

# MEMORANDUM

Agenda Item No. 7(B)

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**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

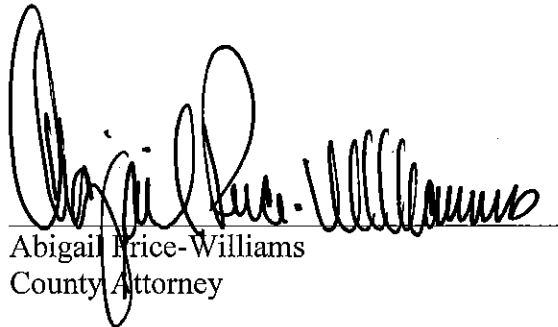
**DATE:** (Second Reading 7-6-16)  
May 17, 2016

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Ordinance related to zoning;  
providing for decorative  
elements on residential  
properties; providing definition  
and criteria for decorative  
elements; amending sections  
33-1 and 33-20 of the Code

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The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Dennis C. Moss.

  
Abigail Price-Williams  
County Attorney

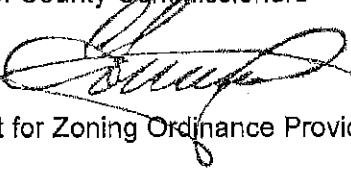
APW/cp

# Memorandum



**Date:** July 6, 2016

**To:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

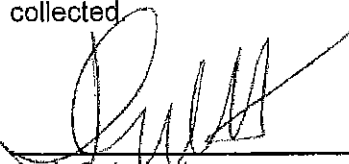
**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Fiscal Impact Statement for Zoning Ordinance Providing for Decorative Elements on Residential Properties

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The proposed ordinance amends the existing Code of Miami-Dade County to define, authorize, and set the standards for decorative elements on lots with a residential structure in residential, agricultural, and interim zoning districts. Furthermore, the proposed ordinance will also require the issuance of a permit prior to the construction of any decorative element.

There is no anticipated fiscal impact to the County with the enactment of this proposed ordinance as additional staffing resources are not required. Any additional activities associated with issuing permits or enforcement will be absorbed by existing staff and offset by the associated revenues collected.

  
\_\_\_\_\_  
Jack Osterholt  
Deputy Mayor

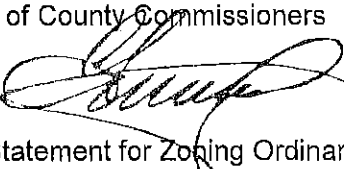
FIS05816 160973

# Memorandum



**Date:** July 6, 2016

**To:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor 

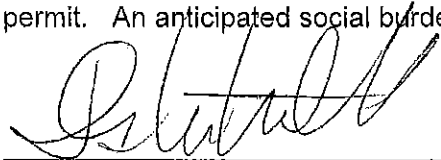
**Subject:** Social Equity Impact Statement for Zoning Ordinance Providing for Decorative  
Elements on Residential Properties

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The proposed ordinance amends the existing County Code to authorize decorative elements on lots with a residential structure in residential, agricultural, and interim zoning districts. Decorative elements under the proposed ordinance are defined as aesthetic features, including fountains and statues, placed on open space outside of a building. Furthermore, the proposed ordinance sets the setback and height standards for such decorative elements and also requires the issuance of a permit prior to its construction.

Currently, property owners wishing to install one of the aforementioned decorative elements would have to request a zoning hearing in order to obtain a non-use variance that allows for an accessory structure, as these are not authorized in the County Code. By defining decorative elements and establishing set back requirements specific for these elements, a zoning variance is not necessary as a precondition to obtain a building permit; therefore, the process of obtaining such permit is faster and less expensive.

With the enactment of this proposed ordinance, property owners seeking to install decorative elements will be the direct beneficiaries of the less financially burdensome requirement to seek a permit. An anticipated social burden cannot be identified at this time.



Jack Osterholt  
Deputy Mayor



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** July 6, 2016

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Agenda Item No. 7(B)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_\_, 3/5's \_\_\_\_\_, unanimous \_\_\_\_\_) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 7(B)  
7-6-16

ORDINANCE NO. \_\_\_\_\_

ORDINANCE RELATED TO ZONING; PROVIDING FOR DECORATIVE ELEMENTS ON RESIDENTIAL PROPERTIES; PROVIDING DEFINITION AND CRITERIA FOR DECORATIVE ELEMENTS; AMENDING SECTIONS 33-1 AND 33-20 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
MIAMI-DADE COUNTY, FLORIDA:**

**Section 1.** Section 33-1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

Sec. 33-1. - Definitions.

For the purpose of this chapter, the following definitions for terms used herein shall apply to all sections of this chapter unless the context clearly indicates otherwise:

\* \* \*

>>(37.05) Decorative Elements (lawn). Decorative elements means aesthetic features, including fountains and statues, that are placed on open space outside of a building.<<

\* \* \*

**Section 2.** Section 33-20 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

<sup>1</sup> Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

Sec. 33-20. - Accessory buildings; utility sheds; swimming pools; fallout shelters; boat storage >>; decorative elements<<.

\* \* \*

>>(j) Decorative Elements. Decorative elements shall be permitted on lots developed with a residential structure in the AU, EU, GU, and RU Districts, provided that the decorative element is in front of the building line of the principal structure and complies with the following:

- (a) For lots in the RU Districts, decorative elements shall be setback at least ten (10) feet from the front and side property lines and shall not exceed six (6) feet in height and fifty (50) square feet in area.
- (b) For lots in the AU, EU, and GU Districts, decorative elements shall be setback at least ten (10) feet from the front and side property lines. The maximum height of decorative elements shall be six (6) feet at a setback of ten (10) feet, except that the maximum height may increase an additional 0.6 feet per additional foot of setback to a maximum height not to exceed twelve (12) feet.
- (c) A Zoning Improvement Permit shall be obtained prior to construction of a decorative element that is permanently affixed to the ground.<<

**Section 3.** If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

**Section 4.** It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

**Section 5.** This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

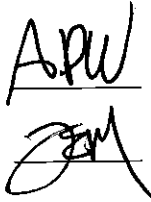
PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:

Prepared by:

Lauren E. Morse

Prime Sponsor: Commissioner Dennis C. Moss

The block contains two handwritten signatures, each written over a horizontal line. The top signature is in cursive and appears to read 'APW'. The bottom signature is also in cursive and appears to read 'DM'.